
EXHIBIT D

Hon. Vincent L. Briccetti
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, N.Y. 10601

RE: United States v. Gustavo L. Vila, 20-CR-00495-(VB)

My name is Gustavo L. Vila. I was born June 21, 1958 in Puerto Rico and am 62 years old. On September 3, 2020 I was arrested and charged with Theft of Government Funds, 18 U.S.C. § 641. On October 29, 2020 I pled Guilty to the charge because I am guilty of this charge. I am sincerely sorry and disgusted with myself. I truly understand that there are victims of this crime and I am regretful that it occurred. I am not remorseful because I was caught; I am repentant because I have had time to reflect and look deep inside my soul contemplating my actions and speaking with others who know me and know of the despicable act and situation that I have put myself in but most of all, the terrible pain and damage I have caused John Ferreyra and his family.

However, I don't want this offense to define my character. I would like you to understand the person I am inside and out. To see in my soul that I will not rest until I can insure John Ferreyra is repaid all that I have taken from him. But for you to have any faith in me and allow me the opportunity to work towards that goal, I must somehow show you who I am, where I came from, all the good that I have done, my mistakes and traumas in life and the determination that I have and have always strived for, to do the right thing and put others first which clearly I did not do with John Ferreyra but I will do if given the chance which I believe is in the best interest of John Ferreyra.

As previously stated I am guilty of this crime. I began practicing Law in 2002 after retiring from the NYCPD. I attended Fordham School of Law while I was still with the NYCPD. I practiced solo for a while and then partnered up with another former Police Officer. The partnership went well, or I thought was going well until 2009. Mr Partner was the managing partner through the years and handled all the financing. In 2009 he informed me that he did not want to practice anymore because he was stressed out. Unbeknown to me he had filed for bankruptcy. I found out when all the vendors and banks started actions against me and the firm which was Kuczinski, Vila & Associates. I also found out that as I wondered where all the money had gone he was using it to travel, go on vacations, American express charges for his wife and family etc. The bankruptcy case was 11-23195-(RDD) & 09-24531 (RDD) and was before Judge Robert D. Drain. There was over 1 million dollars' worth of bank loans, HSBC \$450,000.00, Hudson Valley Bank, over 1 million dollars, not including vendors such as Pitney Bowes, Verizon, internet, process servers, Cannon copy machines etc. I was forced to hire the law Firm of Nixon Peabody to intercede with my partner's bankruptcy and also hired attorney Ethan Ganc to file bankruptcy for the partnership business Kuckzinski, Vila & Associates. The legal fees piled up and it was resolved but I was left with immediate debts because of the partnership of over million dollars. I went to friends and

borrowed money to satisfy all the judgments and legal fees. However as time went on I just could not catch up and I collapsed under the pressure. I made the wrong decisions and went against my own moral compass which I had never done my entire life as a Police Officer, Lawyer, and father. That horrible decision which I should not have made caused pain to John Ferreyra and more... I never shared the issues with my then wife and family which of course led to my divorce, embarrassment, shame and excommunication with my son... All my friends who loaned me money demanded that I repay them and rightfully so as they needed the money they had lent to me. I kept feeling the pressure and in 2015 used a real estate's client's funds to pay debt (which I did pay complete restitution), and then in 2016 used John Ferreyra's award money to satisfy all the debt thinking that I had time to pay it all back. I broke my own moral compass and should never have done so, John Ferreyra's award came in 2016. I spoke with John and told him the award came in. John was not happy that the WTC Fund had deducted his tax free pension award he had received as compensation as a collateral source as per the Funds rules. We discussed appealing the decision but decided against it because he would not be able to accept the funds. I suggested that we try and amend the application and at the time the Fund was issuing 10% of awards so I suggested I give him 10% while we amended.

The pressure mounted to repay the debt I used the funds in my escrow account to pay the debts again thinking I had time to replenish the funds and pay John Ferreyra his award money. That is no excuse, I should not have used the funds.

My life's mission and purpose now is to pay John Ferreyra as soon as possible and I know that with my past accomplishments, education and proven documented results in my previous employment experience, I can and will obtain employment commensurate with that results driven experience which is completely in the best interests of John Ferreyra. I cannot and may never be able to heal the deep wounds I have caused especially to John Ferreyra, his family and my family, but at least I can make sure John Ferreyra is restored financially. I am confident that I can and will accomplish this by working several jobs. I cannot practice law but over the past two years I have been a successful Risk Manager writing Workers Compensation policies for a bus company including writing effective COVID policies, active shooter and human resource and security policies as well.

Throughout most of my life I have lived a life of honesty, integrity and compassion first in my childhood, my career in law enforcement for 20 years and as a practicing trial lawyer for 15 years. I always took the time to never make rash decisions. No matter how difficult, challenging or dangerous, I always stopped, took a moment of pause to think and always do the right thing. I preached that to my children and to the detectives I supervised but yet in my most difficult time I broke down and failed to stay with who I am. I broke my moral compass as a human being. I spent 20 years in law enforcement working my way through the ranks to Lieutenant Commander of Detectives and finally Special Counsel to the Police Commissioner. During that time I faced many extreme challenges I worked on Homicides and saw the worst in life. Solved many homicides and was involved in very dangerous arrests involving shootings. I was present at Ground Zero on September 11 when the buildings came down and remained as part of the rescue operation. Witnessed unspeakable death and heroism. Lost friends that I spoke to just before the buildings came down on us. I was detailed by the Police Commissioner to the NYC Morgue to

identify the first recovered bodies from the pile. I was only able to recognize the fireman boots and nothing else. The gathering of evidence in the recovery was even more traumatic. I am presently being monitored by the World Trade Center Health program (WTC 911 Health Program) Run by NIOSH at Mount Sinai Hospital and Sloan Kettering. My last checkup was March 23rd 2021 for chest /lung x-rays. I worked as an undercover in the narcotics division and had guns put to my head but always took that moment of pause to make the right decision. But yet here I failed to do so. I attended the FBI National Academy (the 174th Session) in 1993 specializing in Forensics, Serial Killer Profiling and use of deadly force justification. Went to law School at night while working in east New York as a Police Lieutenant. I worked close with the community in the 83 precinct and organized sports teams with poor kids that didn't have parents or role models. Obtained food donations from the Boards Head Meat Company and uniforms from Nike to form basketball and flag football leagues in the Bushwick community. I would speak to those kids about making the right decisions in their lives and give them hope during difficult times. I took my children to those neighborhoods so they could appreciate life and see reality and take nothing for granted or ever have a sense of entitlement. That is the life I lived, practiced and preached. That is who I am as a person. That is who I am in my soul. In 2016, my horrible and despicable decisions troubled me so much that I started seeing a therapist a Dr. James Nagy, clinical Psychologist in Scarsdale NY. I presently am (At the direction of pre-trial services) being treated by Dr. Richard Kessler, Psycho Diagnostic Services for the Federal Court. I sincerely hope you are provided a full report and opportunity to review my treatment progress.

I swore I would never be like my father. As a child I grew up poor in Puerto Rico but my father was in the US Air force and we moved to different military bases. After Vietnam my father was very abusive, both physically and verbally to my mother and my brothers. It was a very difficult time in my life but I always remained calm and supportive of my mother and tried to be there for my brothers. Once I was 18, I stood up to my abusive father and he left never to be seen or abuse my mother again. I lost my mother in May of 2019. I put myself through school and always worked hard to achieve my goals and achieved those goals successfully. I even was an adjunct professor at Brooklyn College teaching Business Law to accounting and pre-law students from 1998 through 2001.

This is why that if given the chance, I know I can work two, three jobs and provide restitution to John Ferreyra.

I fully understand that my extreme lapse of judgment has created a chain reaction that has hurt John Ferreyra, his family, my family, friends and the legal community. My actions have had a high cost and still do. They have caused me to lose my best friend, my son. My actions have caused press coverage which now has affected his career opportunities in the police department and more importantly destroyed our relationship which I hope somehow to repair. I am prepared to repay my debt to John Ferreyra, to society and to the United States of America.

I know I will have to pay my debt to society. I respectfully request that the Court impose the Special Condition of Mental Health Counseling during my term of Supervised Release.

Respectfully submitted,



Gustavo L. Vila.